

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Alejandro Nicholas Mayorkas, of the District of Columbia, to be Secretary of Homeland Security.

The PRESIDING OFFICER. The Senator from Texas.

BIDEN ADMINISTRATION

Mr. CORNYN. Madam President, President Biden built his campaign for the Presidency around a theme of unity, the promise that he would work to heal the deep divisions that exist in our country and restore respect and bipartisan communication. He has consistently pointed to his decades in the U.S. Senate as proof of his understanding and his ability to achieve results—and for good reason. Senator Biden had a record of working across the aisle and brokering bipartisan deals, but so far, at least, the actions of President Biden have run counter to his image as a pragmatic dealmaker.

Let's look at the first big test, which is coronavirus relief. This, of course, has been the main focus of the Senate for nearly a year now. We passed several bipartisan bills, ranging from far-reaching, multitrillion-dollar packages to smaller, more targeted bills, and every single one received overwhelming bipartisan support. Make no mistake, the path to getting those bills signed into law was not easy. The Republican-controlled Senate and the Democratic-controlled House had very different ideas about the size and shape of those bills, but we managed to overcome those differences and provide trillions of dollars in relief to support our response on both the healthcare and economic fronts.

President Biden has made COVID relief a top priority and laid out a framework for a \$1.9 trillion coronavirus relief package, which includes everything from bipartisan priorities, like funding for vaccines, to partisan ones, like slush funds for blue States.

I don't support the President's proposal in its current form, but I do believe that it is a good place to start to kick off bipartisan negotiations. I also believe that before we rush out and throw trillions of dollars—I should say more dollars—at this problem, we need to see how what we have done is already working. In fact, it was only a month ago when we passed our last COVID-19 relief bill with big bipartisan votes, and that money is not even out the door yet.

As we look to the future, I had high hopes that we could continue this trend of working together. After all, that is the idea the President ran on—bipartisanship, deal making, and reaching across the aisle to build consensus.

President Biden knows the rough and tumble of the legislative process very well. He helped broker many compromises during his career and promised to use that experience to restore bipartisanship in Washington. But that is not what the early days of this administration have looked like, not even close.

Our Democratic colleagues kicked off the year with threats to eliminate the filibuster. We know the filibuster is the single biggest safeguard of the minority in the Senate, whether it be Republican or Democrat, because it requires—indeed, it forces—bipartisan compromise in order to advance legislation.

For the past 6 years, as the minority party, our Democratic colleagues have proudly filibustered bill after bill. They have blocked the Senate from considering legislation on everything from coronavirus to justice reform, to border security.

Make no mistake, Republicans were frustrated. It is frustrating to have the majority and not be able to get what you want. But the integrity of the filibuster and its ultimate purpose was never called into question, even though Leader MCCONNELL faced calls from many—including President Trump—to toss it out the window.

But in this new reality of a 50-50 Senate, the Democratic leader has so far not been interested in playing by the existing rules. He wants an easy, compromised-free path for the Democratic radical agenda, and he is prepared to go full-scorched earth to make it happen.

Senator SCHUMER has threatened to eliminate the legislative filibuster and subject the country to the chaos that a majority-ruled Senate would create. The difference here, of course, is that Leader MCCONNELL stood up to those in his own party who called for this. Senator SCHUMER so far has led us to believe that he will not do the same.

Fortunately, the Senators from West Virginia and Arizona, Senators MANCHIN and SINEMA, have vowed not to participate in this dangerous exercise. And it is clear—or it should be clear, but I will emphasize—that this is not for the benefit of the minority party. This is for the benefit of the Senate as an institution and the country as a whole.

With the elimination of the filibuster off the table, because at least two Democratic Senators will not vote to eliminate it, Senate Democrats have found a new opportunity to break the rules, ignore precedent, and pave a path for partisan legislation. If the reports can be believed, our Democratic colleagues are preparing to abuse the budget reconciliation process to ram President Biden's coronavirus relief proposal through the Senate. This is a

process designed as a way to enact certain fiscal policies in a budget resolution—things like spending reductions, tax relief, or tax increases.

Unlike the traditional legislative process, which is used for the majority of the bills that move through the Senate, there is no 60-vote threshold when you use budget reconciliation. But that doesn't mean you can or you should fast-track partisan legislation. In fact, our predecessors have warned us against that.

One of the most influential Senators in protecting this budget reconciliation process was Robert C. Byrd, the longtime Senator from West Virginia. He was the architect of the now so-called Byrd rule, which is used to keep the reconciliation process from being used to circumvent the normal legislative process. In short, he wanted to prevent the process from being abused in the way Democrats appear to be preparing for now.

The referee in all of this is the Senate Parliamentarian, a nonpartisan expert adviser on Senate rules and procedure. Folks on both sides of the aisle know and respect our Parliamentarian and the people who work with her. We respect their guidance to understand the rules of the Senate and ensure that both sides are treated fairly.

The most senior Member of this Chamber, the President pro tempore, once said:

I've been here with many, many parliamentarians. All were good. But she's the best.

Throughout modern history, Senate Parliamentarians have advised the Senate on which provisions can and cannot be included in a budget reconciliation bill based on the application of the Byrd rule. In fact, the Parliamentarian gives it a process known as "a Byrd bath."

While the majority party technically has the power to determine whether or not to accept the Parliamentarian's advice, there has never been much of a question about whether to do so or not.

Think about this. It would be like allowing a batter in the World Series to ignore the umpire's balls-and-strikes call and treat every pitch as if it were a ball. I am sure it is no surprise, then, that the last time either party ignored the Parliamentarian's ruling was 1975—nearly 50 years ago. Since then, both Republicans and Democrats have understood the dangers of such reckless action and have respected the advice of the Parliamentarian, even when it punches a hole in their own legislation.

But if reports are to be believed, it looks like our Democratic colleagues may be preparing to break precedent once again. With the filibuster—legislative filibuster—still intact, our Democratic colleagues are no doubt considering a plan to shove President Biden's massive coronavirus relief bill through the Senate using reconciliation, and that plan involves ignoring

any adverse rulings from the Parliamentarian. Over the last several decades, Senators on both sides have refrained from such a dangerous move because of the precedent it would set.

Here is another instance where, despite pressure from some in my party, Leader McConnell refrained from eliminating the legislative filibuster. He knew how detrimental it would be to the U.S. Senate as an institution.

Basically, what we are hearing now about budget reconciliation and considering eliminating the Byrd rule is essentially a backdoor method to eliminate the filibuster and push the most partisan, controversial measures through with only a simple majority.

In 2001, Senator Byrd said: "Reconciliation was never, never, never intended to be used as a shield for controversial legislation by depriving Senators of their rights and their duty to debate and amend." But that is precisely what our Democratic colleagues are reported to be considering now—to overrule the advice of a nonpartisan adviser to the Senate so they can deprive Senators of their duty and ability to debate and amend legislation.

I urge our colleagues not to go down this road. After all, you would have thought they learned a lesson now that the shoe is on the other foot when it comes to nominations and the filibuster.

In 2013, then-Majority Leader Harry Reid went nuclear and eliminated the 60-vote cloture requirement on judicial nominees—something distinct and different from a legislative filibuster but applied to nominees. Leader McConnell told our colleague from Nevada at the time: "You'll regret this, and you may regret this a lot sooner than you think." And as it turned out, he was right.

As our colleagues now know very well, the Republican-led Senate confirmed more than 230 judges who were nominated by President Trump, all thanks to Harry Reid's rule change. This action cleared the way to eliminate the 60-vote cloture threshold on Supreme Court nominees, which led to the confirmation of three Supreme Court Justices during the Trump Presidency.

There are inherent and perhaps unintended consequences of changing the rules in a place where your power is never permanently guaranteed. Chipping away at the rights of the minority may help you now, but you are sure to regret that someday, just as Democrats now regret the day Harry Reid cleared an easy path for hundreds of conservative Federal judges.

There are a few ways to stop this madness before Democrats head down this dangerous path. The first is for President Biden to intervene and warn Senate Democrats not to break the rules by ignoring decades of precedent.

We are less than 2 weeks in a Biden Presidency, which was won on the promise of working together. President Biden consistently pointed to his experience as a U.S. Senator as evidence of

his ability to reach across the aisle to get things done. This will be his first test. Will he urge Senate Democrats to pursue a bipartisan approach to legislating, or will he give up on his single largest campaign promise less than 2 weeks into his administration?

The second option is for our Democratic colleagues to speak up. Senators Manchin and Sinema stood up to the Democratic leader when he threatened to eliminate the filibuster. As I see it, this is no less dangerous.

Whatever precedent you set or break when you are on one side will affect you when you are on the other side, which you, inevitably, will ultimately be.

If Democrats destroy the budget reconciliation process now, it will clear the way for them to pass a progressive agenda with absolutely zero need for Republican votes. That could include everything from Federal funding for abortions to heavyhanded climate policies. And when Republicans ultimately find themselves in the majority, all of these policies could be eliminated with a party-line vote and replaced with new laws.

This is a dangerous and unnecessary road to go down, and our Democratic colleagues have a duty, I believe, as Members of this body, to respect its rules and respect the Senate as an institution. The Senate should not replace the Byrd rule with Harry's rule.

I would like to once again share some wise words from our late colleague Senator Byrd, who was known as a master of the Senate rules and process and procedure. Not long before his death, he spoke in a Senate Rules Committee hearing about the importance of protecting minority rights—something the Senate has been known for. Oddly enough, the current Democratic leader was presiding at the time. Senator Byrd said:

As I have said before, the Senate has been the last fortress of minority rights and freedom of speech in this Republic for more than two centuries. I pray that Senators will pause and reflect before ignoring that history and tradition in favor of the political priority of the moment.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, first, I ask unanimous consent that the 5:30 p.m. confirmation vote on the nomination of Alejandro Mayorkas to be Secretary of the Department of Homeland Security occur on Tuesday,

February 2, at 2:30, with all other provisions of the agreement remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

MYANMAR

Madam President, at the beginning here, I want to briefly address the deeply disturbing reports of a coup in Myanmar. We are monitoring the situation with great concern, and the Biden administration is already providing briefings to the Hill on the state of affairs. Congress stands ready to work collaboratively with the new administration to resolve the situation.

I know this is a region of long-standing concern and interest to the Republican leader, so I hope that we can productively work together in a bipartisan fashion to determine the best course of action for America's interest and for the people of Myanmar.

NOMINATIONS

Madam President, next, this week the Senate will continue to confirm President Biden's outstanding Cabinet nominees. We had intended to finish the confirmation of Alejandro Mayorkas to serve as Secretary of Homeland Security today, but unfortunately, with winter storms hitting much of the east coast, Mr. Mayorkas's confirmation will be delayed until tomorrow to accommodate Members who are having difficulty getting here.

We will also vote tomorrow on the confirmation of former South Bend Mayor Pete Buttigieg to serve as our Nation's next Secretary of Transportation. Mr. Buttigieg is an impressive public servant who has already earned the respect and confidence of both sides. He was reported out of the committee last week on an overwhelming bipartisan vote, and I look forward to confirming his nomination tomorrow.

Now, as we process these nominations on the floor, our Senate committees are hard at work preparing the next slate of nominees, including Secretaries of Agriculture, Energy, Veterans Affairs, Commerce, Education, Labor, EPA, and more. We have a lot of work to do here, but the Senate is going to press forward on these nominations as quickly as possible.

CORONAVIRUS

Madam President, at the same time, the Senate this week will begin the important work of crafting legislation to rescue the American people and the American economy from the continued effects of the COVID-19 pandemic.

We continue to face a crisis unlike any other in our lifetimes. Over the course of a year, more than 26 million Americans contracted the virus and nearly 450,000 have died—more than the number of Americans who died during World War II. Tens of millions of Americans have lost their jobs, thousands of businesses closed their doors for good, and the economy has suffered the worst year of growth, again, since World War II.

Our efforts here in Congress over the past year have saved scores of small